



PUBLIC NOTICE

Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

News media information 202 / 418-5000
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 02-1828

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: July 31, 2002

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

BBG Communications, Inc. – Request for a deferment of the fiscal year 2001 regulatory fee and a waiver of the late charge penalty for late payment of the regulatory fee. **Denied** (July 1, 2002) [See 47 U.S.C. §159(d); 47 C.F.R. §1.1166; see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order, 9 FCC Rcd 5333, 5344 (1994), on recon., Memorandum Opinion and Order, 10 FCC Rcd 12,759, para. 12 (1995)]

Brazos Broadcasting Company – Application for review of a previous fee decision requesting a waiver of the late payment penalty due for fiscal year 1998 due on KBTX-TV **Granted** (June 24, 2002)

GreenTV Corporation – Request for reconsideration of a previously issued waiver decision concerning regulatory fees for fiscal year 1998 and 1999 regarding KSBS-TV Steamboat Springs, CO **Denied** (June 27, 2002)

Mandujano Y Asosiados, Inc. – Request for waiver of FY 2000 regulatory fee and late payment penalty due on FM station KPQZ Amarillo, TX **Denied** (July 10, 2002) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Digital Broadcasting Applications Corp. – Petition for waiver and deferral of application fees due in connection with an application for 1 million transmit and receive earth stations and the applicable fee for the hub earth station. **Partial Grant** (June 24, 2002) [See Report and Order, Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947 (1987), ¶¶ 245-248]

Mandujano Y Asosiados, Inc. – Request for waiver of FY 2001 regulatory fee FM station KPQZ Amarillo, TX **Granted** (May 10, 2002) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Metrocall, Inc. – Request for a waiver of application fees and a waiver of Section 1.1117(e) of the Commission's rules **Granted** (July 23, 2002) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Morris Broadcasting Company of New Jersey, Inc. – Request for waiver of the late payment penalty of the FY 2000 regulatory fee for station WIMG-AM Ewing, NJ **Denied** (July 11, 2002)

Ward Broadcasting Corporation – Request for waiver of the FY 2000 regulatory fee due on AM station WTOY, Salem, VA **Denied** (July 11, 2002) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon granted, 10 FCC Rcd 12759 (1995)]

Xplorium - Request for waiver of a late charge penalty charged in connection with a late payment of FY 2001 regulatory fees **Denied** (July 11, 2002)

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE REVENUE AND RECEIVABLES OPERATIONS GROUP AT (202) 418-1995.

Jon

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JUL 1 2002

OFFICE OF
MANAGING DIRECTOR

Rafail Galicot
Vice President
BBG Communications, Inc.
401 "B" Street
Suite #1260
San Diego, California 92101

Re: BBG Communications, Inc.
Fee Control No. 00000RROG-02-030

Dear Mr. Galicot:

This is in response to your request dated April 4, 2002, filed on behalf of BBG Communications, Inc. (BBG) for a deferment of the fiscal year (FY) 2001 regulatory fee and a waiver of the late charge penalty for late payment of the regulatory fee. Our records reflect that you have not paid the FY 2001 regulatory fee of \$87,872.00 or the \$21,968.00 late charge penalty for late payment of the regulatory fee.

In your request, you state that prior to receiving a late payment notice from the Commission regarding the FY 2001 regulatory fee, BBG had no knowledge that it was required to pay the regulatory fee. Stating that BBG "is prepared to satisfy the regulatory fee[.]" you request that BBG be permitted to repay the regulatory fee over a five-month period with monthly payments in the amount of \$17,574.40. You request a waiver of the late charge penalty because BBG did not receive any documentation regarding the fee prior to receiving the late payment notice and BBG has not been subject to the regulatory fee in the past.

The Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby. See 47 U.S.C. §159(d); 47 C.F.R. §1.1166; *see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order*, 9 FCC Rcd 5333, 5344 (1994), *on recon.*, *Memorandum Opinion and Order*, 10 FCC Rcd 12,759, para. 12 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs). The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.

Although you may not have been aware of or fully understood the Communications Act or the Commission's rules regarding the FY regulatory fees, Commission licensees are expected to know and understand the requirements and rules governing their licenses. We therefore find that you have neither demonstrated that the public interest clearly overrides the interests of the parties involved here nor otherwise established that the public interest would be served by a grant of your deferment request in conflict with the congressionally-mandated regulatory fees. We therefore deny your deferment request. For the same reason, we deny your request for a waiver of the late charge penalty for late payment of the regulatory fee.

Payment of BBG's FY 2001 regulatory fee of \$87,872.00 and \$21,968.00 late charge penalty for late payment of the regulatory fee (for a total payment of \$109,840.00) is now due. The regulatory fee and late charge penalty should be submitted, together with a Form 159 (copy enclosed), within 30 days of the day of this letter. If you wish to discuss specific terms of repayment, please contact Claudette Pride of the Revenue and Receivables Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', written over a horizontal line.

Mark A. Reger
Chief Financial Officer

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

Dan

OFFICE OF
MANAGING DIRECTOR
BBG Communications Inc
4496 Camino De La Plaza
Suite B
San Ysidro CA 92173

FEB 08 2002

Re: 02-CCB0011

Dear Regulatee:

This letter is in reference to the Fiscal Year (FY) 2001 regulatory fees, which were due to the Federal Communications Commission (Commission) during the period, September 10-26, 2001. These are mandatory fees established by Congress in accordance with the Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international, policy, and rulemaking activities. An unpaid regulatory fee is a debt owed to the United States, see (31 U.S.C. §3701).

The Commission is verifying its FY 2001 regulatory fees collection to identify those regulatees who have not paid. We have no record of receiving the FY 2001 regulatory fee under the following FCC Form 499-A Filer ID and Taxpayer Identification Number (TIN):

FCC Form 499-A Filer ID: 820964

TIN: 33-7333498

We have examined your most recent FCC Form 499-A, and it appears that you owe the FY 2001 regulatory fee of \$87,872. If this amount is correct, and you have not yet paid this fee, then you also owe a 25% penalty, which penalty equals 21,968.00. The total fee now due is 109,840.00.

Payment in full should be remitted with the enclosed Remittance Advice, FCC Form 159 to: Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835 within 30 days of the date of this letter. You should submit all payments that are due, including the 25% penalty, for each Filer ID and TIN. The 25% penalty should be listed separately on the Form 159. The payment type code to be used for the penalty is "0199."

If you made full payment within the time required, please provide a complete copy of your submission (Form 159), including proof of payment. If you believe that you were exempt from the FY 2001 regulatory fee under the Commission's rules, please submit complete documentation supporting your position within twenty (20) days of the date of this letter. These documents should be sent to Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20534.

If this debt is not paid within 30 days from the date of this letter, we may apply other administrative sanctions. The sanctions may include dismissing any pending or subsequent applications filed by you or your organization with the Commission. Such applications include, but are not limited to: tariff filings under Section 203 of the Act, applications under 1.2 of the Rules, petitions for waiver of the rules under 1.3 of those Rules, petitions for rulemaking under 1.401 of the Rules, and applications for special permission under Sections 61.17 and 61.152 of the Rules.

In addition, the Commission may revoke any instruments of authorization held by you or your organization. Such instruments include, but are not limited to, any authorizations granted under Section 214 of the Act and any licenses granted under Title III of the Act.

If you have any questions concerning this letter, you may write me at the Commission or call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Susan Donahue, Chief
Revenue & Receivables Operations Group

Enclosures



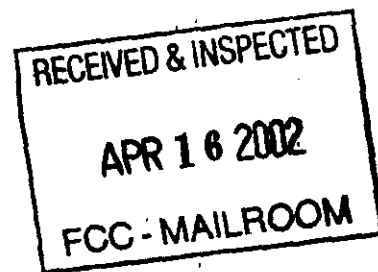
BBG communications Inc.

April 4, 2002

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Ms Claudette Pride
Federal Communications Commission
Washington, DC 20554

Dear Ms. Pride,

On February 8, 2002, BBG Communications, Inc. received a late payment notice regarding its' FCC Regulatory fee for fiscal year 2001 from the Federal Communications Commission. The fee was stated as \$87,872 and was due on September 26, 2001.

Not being able to recall any type of invoice or prior documentation from the FCC concerning this fee, we instructed our Certified Public Accountant, Daniel Tarrillion to investigate this fee. Over the last six weeks, Mr. Tarrillion has called your office either speaking with you or leaving messages and at your request has faxed the late payment notice to your office on two separate occasions.

Mr. Tarrillion was trying to ascertain that BBG Communications, Inc. did in fact is liable for this fee and that if it did, if a payment plan schedule could be agreed upon to satisfy the indebtedness. Not being able to address this matter by phone, we are writing to express our wishes.

BBG Communications, Inc. is prepared to satisfy this regulatory fee. A payment plan over a five month period with payments due monthly in the amount of \$17,574.40 is hereby requested. A respectful request for a waiver of any penalties and interest is also requested due to the fact that BBG Communications, Inc, did not receive any original documentation regarding this fee and the fact that this is the first time that BBG Communications, Inc. is paying this fee. Up until receiving the late fee notice, BBG Communications, Inc. had no knowledge of this fee.



BG communications Inc.

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ACCOUNT PROCESSING
GROUP-DT/IN/INT

Please contact Pilar Morales at 619-744-0888 or Daniel Tarrillion at 512-301-9103 if you have questions or if additional information is required. We await your reply and thank you in advance for your consideration of these two requests.

Sincerely,

Rafael Galicot
Vice President
BBG Communications, Inc.

Enclosure: copy of late fee notice